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ABSTRACT

There are hundreds, perhaps thousands, of school districts across the nation operating under court orders to desegregate their schools. The cost of complying with these court orders runs into the hundreds of millions of dollars each year, and thousands of people are charged with overseeing the effective use of these dollars. This book is based on the philosophy that court orders must address the concerns that usually underlie the rationale behind a desegregation lawsuit: not just to ensure that certain children or groups of children intermingle, but to increase the chances that all children will receive an education that will enable them to lead constructive lives. Specifically, the five sections of this book detail ways of making the compliance review monitor's effort productive and successful; particularly the review must ensure that the schools covered by the desegregation court order are in compliance with the mandates of the court. The sections cover: (1) the process of desegregation litigation; (2) definitions of desegregation and integration; (3) methods of desegregation; (4) integration and educational quality; and (5) the compliance review. The appendices contain samples of compliance review checklists and assignment sheets, various reporting instruments, excerpts from different types of reports, tips on interviewing, and hints for translating a court order into nonlegal prose. (37 references) (KM)

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DESEGREGATION, INTEGRATION, EDUCATIONAL QUALITY

A Primer for Compliance Monitoring

by

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ABOUT VENTURES FOR PUBLIC AWARENESS

Ventures for Public Awareness is a nonprofit corporation on the San Francisco Peninsula, specializing in research, writing, and publishing for educational practitioners.

DESEGREGATION, INTEGRATION, EDUCATIONAL QUALITY:
A Primer for Compliance Monitoring

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INTRODUCTION

There are hundreds, perhaps thousands, of school districts across the nation operating under court orders to desegregate their schools. The cost of complying with these court orders runs into the hundreds of millions of dollars each year. Thousands of people are charged with overseeing the effective use of these dollars. This book is for them.

Some court orders mandate desegregation; some mandate desegregation and integration; some mandate desegregation, integration, and the improvement of educational quality. This book is based on the philosophy that court orders must address the concerns that usually underlie the rationale behind a desegregation lawsuit: not just to ensure that certain children or groups of children intermingle, but to increase the chances that all children will receive an education that will enable them to lead constructive lives. We believe this means addressing the qualitative issues of integration and educational quality, as well as the quantitative issue of desegregation.

Once the court has ordered a school district to take action to remedy discriminatory practices, and has provided a "blueprint" for doing so, the compliance review monitor must study and observe the schools covered by the court order to ensure they are in compliance with the mandates of the court. This book details ways of making the compliance review monitor's efforts productive and successful.

This book does not teach program evaluation; it does not present a lengthy discourse on the philosophy of desegregation and integration; it does not evaluate the effects of desegregation on children; it will not help the reader weigh the merits of desegregation and integration. Instead, it is designed as a simple-to-use resource for those interested in determining compliance with court orders--and for those wishing to avoid them.

SECTION 1: THE PROCESS OF DESEGREGATION LITIGATION

This book is directed primarily toward the compliance review monitor, who (with his/her* review team) is responsible for determining school and district compliance with a court order to desegregate, integrate, and improve educational quality. However, it also suggests ways in which plaintiffs, judges, settlement teams, and implementation teams can enhance the results of compliance review monitoring efforts by (1) helping potential plaintiffs determine the feasibility of bringing a desegregation lawsuit, (2) demonstrating how judges can clarify court orders, (3) showing settlement teams the importance of developing plans that will increase the chances of successful desegregation/integration, and (4) helping implementation teams translate court orders into specific actions.

Another audience is those who are interested in determining the quality of education taking place in schools. This interest could be based on the desire to avoid a court order to desegregate, or it could be based on the belief that integrated schools will improve race relations, achievement, self-esteem, and students' life chances.

When a community (or a group of community members) is unable to resolve issues of school desegregation, integration, and educational quality, the problems must be settled in court. The usual course of events is:

- Lawsuit filed. Plaintiffs (often the federal government, the Office of Civil Rights, the NAACP, or a group of parents) file a lawsuit in a local United States District Court, claiming that a specific school district has engaged in discriminatory practices and has maintained a segregated school system.

- Judicial determination of cause. Once a lawsuit is filed, it is assigned to a judge who must determine that a cause for grievance exists and, if it does, what means exist to alleviate the problem(s). The court decision may be that there is no validity to the complaint, either for technical reasons or because a resolution would not be in the common interest of plaintiffs and defendants.

*Hereinafter, the masculine form of the pronoun will be used.

Many desegregation cases end at this point. (For the purposes of this book, however, it is assumed there is cause for complaint.)

- Judicial decision on method of resolution. The dispute can be resolved in one of two ways:

  (1) The issue(s) can be presented formally in a trial where, after all testimony has been heard and evaluated, a judgment is rendered. Again, assuming there is cause for complaint, the result would be a court order (a legal document mandating actions by the school district).

  (2) The judge may appoint a settlement team to develop proposals that might solve the problem(s). In this case, the result would be a consent decree (a legal document mandating actions by the school district, and jointly agreed to by the plaintiffs and defendants).

  Whichever method is used to obtain a resolution (court trial or settlement team), a judicial decision is forthcoming.

  If the judge decides to use a settlement team, he appoints a team comprised of the involved parties and experts, whose educational and/or legal backgrounds are considered to be of value in achieving a satisfactory resolution. Using a settlement team is less demanding in terms of time, tempers, and money, because each party has contributed to potential solutions. The recommendations of the settlement team are presented to the judge. If the judge disapproves, the plan is returned to the settlement team for further work. If the judge approves of the planned course of action, implementation gets under way.

- Plan implemented. An implementation team, composed of school district representatives, is selected to put the plan into action.

- Compliance review monitor appointed. A compliance review monitor, independent of both the defendant(s) and the plaintiff(s), is appointed by the court to serve as an arm of the court. The compliance review monitor reviews district actions in carrying out

its desegregation plan, and reports findings to both the court and the involved parties.

This book is for these "key players": plaintiffs, judges, settlement teams, implementation teams, and compliance review monitors. And since many desegregation plans (both voluntary and mandated) call not only for desegregation, but for integration and the improvement of educational quality, this book covers all three elements.

ROLES AND DUTIES OF KEY PLAYERS

Plaintiffs

Plaintiffs should understand, as the nation moves into the 1990s, that few school districts deliberately operate a segregated school system, and few school districts want to run the risk of a costly legal battle over desegregation issues. They should understand that many factors can prevent districts from racially balancing their schools: immigration; housing patterns; costs of transportation; distance between schools; geographic features such as hills and canyons; safety hazards such as fog, urban congestion, and traffic; the push for neighborhood schools; and the location and availability of appropriate school facilities.

If these are the issues or problems creating racial imbalance in the district, it might be a waste of time and effort to file a desegregation lawsuit, because the cost or difficulty of establishing and maintaining racial balance would be prohibitive. If plaintiffs decide to institute legal action, it is important that they understand the feasibility of developing a plan that will eliminate or alleviate segregation.

Judges

Judges in desegregation cases need to understand that the way their orders are written can help simplify a complex task.

- Court orders should allow for modification; they should specify how these modifications can be made; and then should make it clear who is to sign off on changes once they are made.

- Court orders should specify what kind of monitoring is to take place. For example, may monitors make recommendations not covered by the court order (either to the school district or to the court), or are they to be "strict constructionists," allowed to look only at the very specific mandates of the court order? Court orders requiring monitors to follow the "letter and spirit" of the order should expect problems, because monitors and courts may define "letter and spirit" differently.

- Court orders should specify the procedures for reporting to the court, and clearly establish the lines of communication to be followed.

- Court orders should clearly define measurable objectives. What will the district look like when it reaches compliance? How will this be measured? What will non-compliance look like? How will it be reported?

- The court should select and pay the compliance review monitor and any compliance review team members. If either the plaintiffs or defendants take part in selecting, supervising, or paying members of the monitoring team, the other party may perceive the monitors as having a conflict of interest. The team members must monitor all parties to the lawsuit, and must be perceived as an arm of the court, independent of either plaintiffs or defendants.

Settlement Team Members

Court orders are based on recommendations from a settlement team. The judge, in writing the court order, has the greatest responsibility and opportunity to affect the successful desegregation, integration, and improvement of educational quality in a school district. Next in responsibility come the settlement team members.

Relatively little has been written about the work of the settlement team. Judges tend to instruct the members about their duties in a manner that reflects their personal biases. (Yes, even judges have these.) No matter what instructions are given, what follows are many hours of team members discussing, sometimes acrimoniously, "turf positions" or societal interests. Team members often find their

proposals in conflict, or compounded by financial limits set by governing agencies, or restricted by the political realities of American life.

Settlement teams generally consist of lawyers and educators who represent the plaintiffs and defendants. Ideally, the settlement team will have a strong knowledgeable leader, and the entire team will have a belief that a workable plan can be developed. Experience indicates there is value in also having a fiscal consultant as a member of the settlement team. His awareness of financial constraints and/or limitations often helps the team remain realistic.

To the uninformed, desegregation and integration of schools are the ends, rather than the means, to a quality education. If the court order is to fulfill its true promise, it must ensure that all children are taught effectively, and that the school system is genuinely interested in the education of its students.

Therefore, it is important for settlement team members to know that desegregation alone probably is not their goal. Essential Elements of a Desegregation Plan. A Guide for School Districts states:

> The next step, after desegregation, will be the development of integrated educational programs and services; this requires a planning process which addresses every aspect of programs and services relating to diversity of race, ethnicity and culture. It will involve personal and group attitudes and behavior; curriculum patterns and subject content; teaching methods and classroom practices; and parent and community relations.[1]

As the settlement team addresses issues beyond desegregation, it should recognize how difficult it is to implement and measure integration and educational quality. It should stipulate how the essential elements are to be evaluated. How will the compliance review team recognize integrated activities and educational quality? Reduced class size? New programs focused on intergroup relations? Increased parent involvement in the schools? Increased test scores? A decrease in student expulsion or suspension? Increased participation in extracurricular activities? Additional staff development programs?

Since not all court orders or consent decrees focus on academic performance, it is often in this area that settlement team recommendations are weakest. They may suggest court-ordered programs of "academic excellence," but without greater specificity on how these programs will be implemented and monitored, little progress toward educational improvement is likely to occur.

The settlement team must have factual information of all kinds about the school district, not just the data perceived as important to the plaintiff's charges. Demographics, income potential, migration patterns, political reality, all of these and other concerns demand that the settlement team has direct access to, and full possession of, statistical documentation. Only then can the "blueprint for action" (implementation) come into being.

Ensuring educational quality requires addressing such issues as teacher motivation and preparation, the kind of direction and supervision given them, and their willingness to accept significant change to improve educational opportunities for all children. It requires addressing the issues of school and classroom climate, and the other elements that make up desegregated and effective schools. These issues are discussed in Section 4 of this book.

Implementation Team Members

The task of the implementation team is to take the general plan developed by the settlement team and translate it into specific actions to be undertaken by the district. This team acts as liaison between the court and the district; its members must understand the legal aspects of the court order, as well as the educational goals and objectives of the district.

Implementation team members are employees of the defendant district; they are the professional educators who will put the plan into action. It is important that they understand the desegregation issues, the integration issues, and the elements of educational quality. They also need to know the political climate in which they are operating. How can they best establish lines of communication between the community, the schools, and the court? This book addresses these issues.

Compliance Review Monitors

The compliance review monitor is selected by the court, as the person charged with reviewing schools to ascertain that they are in compliance with the court order to desegregate, integrate, and/or improve educational quality. The court order, or consent decree, usually sets boundaries for compliance monitoring, and sometimes details the specifics of monitoring. However, it is important for the compliance review monitor to know the answers to the following questions:

- What is desegregation; what is integration; how do they differ?
- What constitutes educational quality and school effectiveness?
- What is the role of the compliance review monitor?
- What is the political climate in which he operates?
- What is the best way to review data collected by the district?

He must understand his role under this specific court order, and the expectations held for him by the district and the court.

- May he make recommendations to the district to help it achieve compliance? If so, how?
- May he make recommendations to the court regarding appropriate changes in the court order?
- Does he have an avenue for informing the court of incidents of significant non-compliance?
- How can he best provide timely, appropriate, and consistent reports to the plaintiffs and the court?

All of the above topics, of course--and more--are covered in this book.

SECTION 2: WHAT ARE DESEGREGATION AND INTEGRATION?

Why does a compliance review monitor need to know the difference between desegregation and integration if he is simply going into schools to determine compliance with a legal document? The answer? A working knowledge of the terminology increases the compliance monitor's credibility, and makes it easier to gain the confidence of those with whom he will be working.

Although desegregation and integration sometimes are used synonymously, most literature agrees that desegregation is quantitative and focuses on improving the racial mix of students, while integration is qualitative and makes something positive of the educational experience that follows desegregation. Successful desegregation, often achieved by assigning students to schools based on racial/ethnic quotas, is generally easy to measure: one need only count the racial/ethnic mix of students in each school or classroom.

Integration is more subtle. It requires developing a coherent sense of educational purpose, while devising situations in which people of different racial and ethnic backgrounds can interact with each other as status equals. It requires working to achieve positive racial attitudes on the part of teachers and students. Attitudes are hard to measure. Determining the success of integration is extremely difficult.

> CASE IN POINT. Sunnyside School District decides to undergo voluntary desegregation, and transports students to schools within the district so that no school has a student body where one racial/ethnic group is greater than 40% of the total. The Board congratulates itself on its foresightedness and on its attention to providing every student an equal opportunity. However, within the schools in the district, there are few meaningful educational experiences taking place to foster cultural, racial, or ethnic understanding. Consequently, although Sunnyside is desegregated, and its Board might congratulate itself for its efforts, Sunnyside is not integrated.

Even if a school is successfully desegregated, a real possibility exists that classrooms within the school are not.

> CASE IN POINT. All of the schools in Happy Canyon School District are desegregated, based on a formula agreed to in a court order to desegregate. However, 62% percent of the students need remedial work in mathematics. Of that 62%, 90% are Black. One remedial math class is 95% Black and another is 44% Black. So, despite the fact that the school is desegregated, classrooms are not.

Again, desegregation, dependent on numbers, can be achieved relatively easily; integration is much more difficult to achieve and to measure.

Following are the definitions of Segregated Schools, Desegregated Schools, and Integrated Educational Programs presented in the California Administrative Code, Title 5:

> Segregated Schools
>
> Those schools in which the minority student enrollment is so disproportionate as realistically to isolate minority students from other students and thus deprive minority students of an integrated educational experience.
>
> Desegregated Schools
>
> Schools in which action has been taken which has resulted in preventing, eliminating or substantially reducing a disproportion in the enrollment of one or more racial or ethnic groups.
>
> Integrated Educational Programs
>
> Education in a racially and ethnically diverse school which has among its goals equal opportunities for participation and achievement among all racial and ethnic groups in the academic program and other school activities, together with the development of attitudes, behavior, and friendly association based on the recognition of dignity and value in differences as well as similarities.[2]

SECTION 3: METHODS OF DESEGREGATION

There is value in the study of alternative ways to achieve desegregated and integrated school systems at this point in history, because the desegregation of schools and the legal battles over it are far from complete. Few lawsuits, however, last as long as one filed in 1952 in Greensburg, Louisiana. Thirty-six years later, on December 22, 1988, U.S. District Judge John Parker approved an integration plan for the St. Helena Parish. On Friday, January 6, 1989, the first day of class was held under this plan.[3]

The previous section of this book, "What are Desegregation and Integration?" discussed briefly the difficulty of achieving and measuring integration. The following section, "Integration and Educational Quality," will discuss the difficulty of defining and measuring integration and educational quality. This section deals with the easy issue: methods of desegregation.

Although there are hundreds of methods of achieving a successful desegregation plan, most are simply variations on, or combinations of, Mandatory Transfer Programs or Voluntary Transfer Programs.

Using the words mandatory and voluntary can be misleading because (1) it is possible for a school district to elect voluntarily to implement a mandatory transfer program, or (2) court orders can mandate that a school district offer voluntary transfers to those who request them, or (3) a court order can mandate that a school district provide magnet schools or alternative schools, but allow individuals to choose voluntarily to attend them.

For the purposes of this book, mandatory transfer programs are defined as those implemented by the school district (for whatever reason) that require students to attend specific schools in order to achieve racial balance. Voluntary transfer programs are defined as those that may attract students, but do not assign students to specific schools.

Mandatory Transfer Programs

Under the general heading of mandatory transfer programs are those that:

- re-draw attendance boundaries to reduce clustering of students from one racial/ethnic group,
- pair schools,
- close schools,
- enlarge school plants and facilities,
- reorganize grade structure,
- design a school or schools to serve one or two grade levels for the entire district or a sizeable portion of a large district,
- select sites for new schools in residential areas whose racial/ethnic representation is similar to district criteria, or
- change school feeder patterns.

These programs are designed to create a racial/ethnic balance in schools, and under these programs all students are supposed to be treated equally. Of the above eight methods, the first--re-drawing attendance boundaries to reduce clustering of students from one racial/ethnic group--is the most traditional method of desegregating schools.

The advantages of re-drawing attendance boundaries include:

- impartiality of student assignment, and
- relative ease of ensuring racial balance.

Disadvantages include:

- denial of freedom of choice,
- potential re-segregation over time as housing patterns change, and
- extensive and expensive busing.

And as is true with all plans that deal strictly with desegregation, redrawing district boundaries alleviates the problem of racial imbalance, but does not address the issues of integration or educational quality. Nor does it address the educational problems of students from poor or unstable backgrounds who tend to need more resources, such as lower student-teacher ratio, extra counseling, supplementary textbooks, and more home-school contact.

> CASE IN POINT. The Board of Happy Valley School District decides to transfer students in order to desegregate its schools. It adds valuable financial and human resources to its inner-city schools in order to upgrade academic offerings. It congratulates itself on its concern for the needs of newly arrived immigrants who are congregating within district boundaries. However, when these minority students are assigned to desegregated schools in the suburbs, they do not have access to the extra financial and human resources that now exist in the schools they no longer attend.

Mandatory Transfer Programs and White Flight

Most studies of the effects of desegregation on "White flight" (the flight by Whites from inner-city areas, which leaves those areas inhabited primarily by minorities) suggest that mandatory school desegregation plans contribute to White flight. However, a more recent study of four different desegregation models suggests that the desegregation plans of Boston (primarily mandatory) and of Milwaukee (primarily voluntary) did not show vastly different shifts in the White population in terms of public school enrollment and central city residence. The author of the study concludes that, although his study was limited, doubt should be cast on the assertions that mandatory student-assignment desegregation plans contribute more to White flight than do voluntary plans.[4]

Voluntary Transfer Programs

Voluntary transfer programs generally come about in response to community pressure to provide equal access of all students to a balanced education. Public school districts across the nation now offer more than 10,000 alternative programs and magnet schools that permit

parents to choose, within their school district, the type of school they want their children to attend.[5]

Magnet Schools

Many voluntary transfer programs make use of magnet schools. Magnet schools are defined as schools offering special courses not available in the regular school curriculum, such as schools for the performing arts, or computer science, or ethnic studies, or math and science. They are designed to attract students on a voluntary basis from all parts of a school district without reference to the usual attendance zone rules.[6]

Often, magnet schools are located in the poorest and most segregated inner cities, in order to attract whites or other ethnic minorities to the inner-city areas. The desegregation plans of some school districts, such as Kansas City, Kansas, make extensive use of magnet schools. The Kansas City desegregation plan seeks ultimately to make the quality of education provided in the inner-city district comparable to that offered by nearby suburban schools. "Its three components--improved instructional offerings, the nation's most sweeping magnet-school plan, and extensive construction and renovation projects--will cost more than $100 million a year to implement."[7]

The advantages of magnet schools are mostly self-evident:

- Students and parents have a choice.
- Busing is voluntary.
- Staff at magnet schools traditionally participate in staff development programs that train them in skills needed for the different program offerings.
- Teachers and other staff at magnet schools often volunteer for their assignments, thus improving their morale.

The disadvantages of magnet schools are subtle and not easily discernible:

- It can be costly to publicize magnet schools and recruit student and teacher volunteers.
- It is logistically difficult to ensure an appropriate match between student and teacher volunteers.
- There is almost always some uncertainty regarding space availability in preferred schools.
- School bus schedules and routes are unwieldy.
- If inner-city schools become extremely attractive, they often cannot accommodate those they were intended to help most--children in the immediate neighborhood.
- Magnet schools draw staff and students from throughout the district, thereby depriving other district schools of readily available talent and resources.

  CASE IN POINT. Repertory Tech is a magnet school designed for those interested in the performing arts. It is located in an inner-city area inhabited primarily by Blacks. It is intended to attract Whites or other ethnic minorities to the inner city. The district wants to maintain a good racial/ethnic balance in this school, so it limits Black attendees to 40% of its student body. This means that many Black students cannot attend their neighborhood school. It also may mean that teachers especially talented in the area of performing arts are placed in this one school, thus depriving other district schools of their particular skills.

Magnet schools may even promote differential treatment of minority groups.

CASE IN POINT. Admission to High Achievement Secondary School is based on test scores, which must be above the 80th percentile on the standardized test used in the district. The district also limits any one racial/ethnic group to 40% of the total student body. Asian students routinely score higher on

these tests than do other students in the district; consequently, the admitting test scores for Asian students either must be higher than those for other students, or some other selective procedure must be applied to Asian applicants to achieve the designated racial/ethnic balance at High Achievement Secondary School.

Alternative Schools

Related to magnet schools are alternative schools--schools that offer nontraditional educational programs that are alternatives within or outside the formal educational system. Examples include continuation schools, correspondence schools, home schools, vocational schools, etc. They provide innovative and/or flexible instruction, curriculum, grading systems, or degree requirements. The advantages and disadvantages of alternative, or nontraditional schools, are much the same as those for magnet schools.

Schools of Choice

Also related to magnet schools are schools of "choice," the hottest new buzzword in education today. Choice is hardly a new concept, because for years wealthy parents have had the option of choosing between public and private schools. However, schools of choice go one step further. Minnesota, for example, allows parents to choose to send their children to any public school system in the state.[8] Other states offer different alternatives: (1) selecting a school within the home district; (2) selecting a school within the work area of a parent; or (3) choosing between public and private schools, with state-allocated funds following the student. According to a report commissioned by New Jersey's governor, 23 states have either adopted or are considering some form of educational choice, and 40 states have at least one community that permits school choice within district boundaries.[9]

President Bush is offering strong support for schools of choice: "I intend to provide every feasible assistance-- financial and otherwise--to states and districts interested in further experiments with choice plans or other valuable reforms."[10] But many educators and educational groups are expressing concern that "schools of choice" might not be the panacea that others are predicting.

Magnet schools and "choice" schools differ only in that magnet schools offer a unique curriculum and "choice" schools do not necessarily offer curricular options or diversification. In both cases, however, students are free to choose the school they want to attend, usually restricted by the caveat that racial balance is not upset at either the sending or receiving school.

Supporters say that "choice programs" will result in the following:

- The roles of parents and teachers will expand.
- There will be increased opportunities for learning for "at-risk" students because they can select the school best suited to their interests or learning style.
- Competitive pressure to attract students will create better schools.
- Parents and students will become actively involved in their schools, through exercising their right to choose the school they wish to attend.

Opponents say that "choice programs" will result in the following:

- Receiving schools will accept only academically or athletically gifted students.
- Poorer parents may not be able to afford the necessary transportation costs.
- Parents will simply remove their children from a poor neighborhood school, instead of trying to solve the school's problems.
- Schools will have to "market" to recruit volunteers, thus adding to the cost of education.
- Choice programs will upset desegregation and integration programs.
- If choice programs offer a unique curriculum or curricular diversification, added funding will be needed to retrain teachers and staff to provide these special programs.

- Coordinating student choices and transportation will increase the number of administrative chores.

Supporters of choice plans have rebuttals to each "con" argument listed above, and opponents have rebuttals to each "pro" argument. It is inevitable that the issue of schools of choice will pick up momentum as debate on the pros and cons continues, and as more states experiment with the idea.

SECTION 4: INTEGRATION and EDUCATIONAL QUALITY

When a court orders a school district to desegregate, it is not unusual for it also to mandate "integration" and "the improvement of educational quality" in these desegregated schools. However, it is rare for a court order to define integration or educational quality, or to instruct the compliance review monitor on how to recognize or measure them. In Section 2, "What are Desegregation and Integration?" integration was defined in part as "making something positive of the educational experience," and "developing a coherent sense of educational purpose." In these respects, integration is closely related to educational quality. Consequently, they are being discussed together.

If one were to ask 100 people--including judges in desegregation cases, educators, compliance review monitors, and the man-on-the-street--for a definition of educational quality, it probably is safe to say that there would be 100 different answers.

One person might say that a quality education is one that allows each child to reach his highest potential; another might say that reading the classics will result in a quality education; another might say that improving test scores is an indicator of a quality education. Still others might say that educational quality depends upon (1) increasing the length of the school day so American schools can compete with the Japanese and western European educational systems; (2) increasing teacher pay to attract better candidates into the field; (3) developing preschool experiences on which to build a foundation for future learning; (4) getting the community involved in the schools to provide needed resources; (5) providing after-school programs that combine recreation and good study habits; (6) providing better administrator training programs because of the widespread belief that the principal is the key ingredient in providing a quality education. The same difficulties would exist in trying to define integration.

According to Your School: How Well Is It Working? identifying the characteristics of a good school is much like discovering the attributes of a good spouse--what is desired by one person may not be valued by another.[11]

The Thesaurus of ERIC Descriptors,[12] with more than 30 years of experience in defining educational terms, sheds little light on the topic in the "scope notes" that follow the descriptors:

> School Effectiveness: Degrees to which schools are successful in accomplishing their educational objectives or fulfilling their administrative, instructional, or service functions.
>
> Educational Quality: Degrees of excellence in meeting educational objectives.
>
> Educational Objectives: Objectives relating to the outcomes or organization of the educational process--includes goals proposed or established by educational authorities at all levels.
>
> Role of Education: Functions of education, real or expected, in regard to the individual and the society at large.
>
> [Integration is not an ERIC Descriptor. The Thesaurus carries a note to "See Racial Integration." However, Racial Integration carries no "scope note."]

In defense of the ERIC Thesaurus, it is designed to let "usage determine meaning." Consequently, if "usage" is circular or fuzzy, so are the definitions in the Thesaurus.

The purpose of this section is not to define the undefinable, but to attempt to offer aid to the compliance review monitor who faces the task of determining the presence of "integration" and "improved educational quality."

Throughout the late 1960s and into the early 1970s, the prevailing view of education was primarily negative: schools do not make a difference; socioeconomic status and race determine achievement in school. In the early 1980s, the message of the school effectiveness research became primarily positive: schools can make a difference.[13] Although the effective schools research focused on student achievement as the indicator of school effectiveness, at least there was some agreement on the qualities inherent in effective schools.

To see if the effective schools research and the research on successful school desegregation had commonalities, a search of the literature

was conducted. It was found that the qualities of effective schools and the goals of successful desegregation/integration programs were not identical, but were overlapping, compatible, and complementary.

The California State Department of Education (CSDE) recognized an overlap among the goals of desegregation, integration, and educational quality when it published Secondary School Working Papers: Quality Document/Compliance Document. The CSDE uses this document when it trains Program Quality Review teams. There is a great deal of similarity between reviewing schools and classrooms for the quality of education, and reviewing schools and classrooms for compliance with court orders to desegregate and integrate.

Ten characteristics of good schools were extracted from studies conducted by fifteen organizations.

> These ten indicators of quality are found in good schools regardless of their location: effective schools are found in cities as well as in suburbs and rural areas. Similarly, good schools exist without regard to what kind of students attend them, how much money is spent for them, or what kind of community mix (ethnic, social, racial, or economic) supports them.[14]

In the quote above, the words "indicators of quality," "good schools," and "effective schools" are used in the same sentence, underscoring the difficulty of separating the concepts of educational quality and effective schools. The same quote also states that "good schools exist without regard to what kind of community mix (ethnic, social, racial, or economic) supports them." This implies that a good school can be all Black, or other ethnic minority. This is in conflict with one of the goals of a successfully desegregated school, but as stated earlier, the goals of successful desegregated schools and the qualities of effective schools are not identical.

Following are the ten characteristics of effective schools:

1. High and realistic expectations for student achievement are held by the school staff.

2. Effective leadership is exerted by a strong principal.

3. Emphasis is placed on instruction.
4. Appropriate discipline is maintained.
5. Regular assessment of progress is conducted.
6. Positive attitudes are expressed often.
7. Respect for students is shown by school personnel.
8. There is an efficient school organization.
9. Parent involvement is encouraged and appreciated.
10. School pride and school spirit can easily be felt.

A National Review Panel on School Desegregation Research identified the criteria of a successful school desegregation plan.[15] These criteria include the following:

1. Assign students so that schools and classrooms are neither (overwhelmingly) white nor (overwhelmingly) black. [Ed. note: In view of the rapidly changing demographics as we near the 1990s, certainly other groups, such as Hispanics and Asians, must now be considered.]
2. Assign to each classroom a sizeable number of children who perform at or above grade level.
3. Encourage substantial interaction among races both in academic settings and in extracurricular activities.
4. Eschew academic competition and rigid forms of tracking and ability grouping that draw attention to individual and group achievement differences correlated with race.
5. Recruit and retain teachers who are relatively unprejudiced, supportive, and insistent on high performance and racial equality.
6. Recruit and retain principals who are supportive of desegregation and exert leadership in that direction.

7. Involve parents at the classroom level in actual instructional or learning activities.

8. Initiate programs of staff development that emphasize the problems relating to successful desegregation.

9. Maintain a relatively stable student body over time.

10. Desegregate students early, in kindergarten if possible.

11. Desegregate the faculty.

12. Develop a multiethnic curriculum [and] multiethnic materials [that] foster interaction across racial lines and get to issues that divide youngsters from different backgrounds.

A close look at the ten characteristics of quality schools and the twelve criteria of a successful school desegregation plan reveals that although the statements are quite different, their goals overlap and complement each other. For example, both call for insistence on high performance, principal leadership, and parent involvement. More importantly, perhaps, the goals of desegregated schools and the characteristics of effective schools are rarely in conflict.

Collectively, nine studies (listed in the bibliography) list 178 items to look for in determining educational quality and/or effective schools and/or successfully desegregated schools. Because a list of 178 items would not be a "quick and easy" tool, these items have been condensed and grouped into checklists designed for easy reference to aid compliance review monitors.

See Appendix A for checklists which may be adopted (and photocopied) or adapted to suit individual needs.

SECTION 5: THE COMPLIANCE REVIEW

The role of the compliance review monitor is to observe and study schools to ascertain that they are in compliance with a court order. As mentioned in Section 1, this person should be selected by the court and should be responsible to the court. This role is not an easy one to play. It has many nuances and subtleties, as well as many straightforward functions. This section is directed to the compliance review monitor, and is designed to help him fulfill this complex role.

The monitoring function can be discharged in one of two ways. In the first mode, the monitor is given an open-ended charge to monitor desegregation in a school system, to mediate disputes concerning the court order, and to coordinate discussions regarding the modification of desegregation orders. A classic example of this type of monitoring is that ordered by the U.S. District Court for Massachusetts for the Boston school system. In the second mode, the monitor's function is limited to observing and reporting. This is the type of monitoring specified in the orders of the 9th U.S. District Court for the San Francisco Unified School District.

Whether the monitor is given wide latitude or is limited to "observing and reporting," his basic responsibility is to collect information that will provide the court and the concerned parties with baseline data on compliance with court orders, and to help ensure an effective desegregated education for all students. To collect this baseline data, the monitor should use a simple approach that makes reporting easy:

- Simplify the court order by translating paragraphs into non-legal prose. (See Appendix B-1 for an example.)
- Determine monitoring objectives. (See Appendix B-2 for an example.)
- Decide on the process to be used in collecting data. (See Appendix B-3 for an example.)

- Develop questions to be asked to help in ascertaining compliance, or movement toward compliance. (See Appendix B-4 for an example.)
- Develop reporting formats. (See Appendixes C and D for examples.)

Understanding the Political Climate

Desegregation is controversial at best. It is rarely fully accepted by those who are touched by it. Sometimes the school district opposes it. Sometimes the community opposes it. Sometimes the community is split--with some factions supporting it, and others opposing. Elected board members, accountable to their many constituencies, often are split on the issue. These forces constitute the political climate, and the compliance review monitor must understand it. If he does not, he can misinterpret actions. What might appear to be non-commitment may simply be a "wait and see" attitude on the part of some of these key players in the desegregation process.

Following are some examples of how political conflicts can affect school desegregation.

Union resistance: When a court order restricts personnel movements in any manner, employees may feel threatened. Court orders may be seen as restricting privileges won through collective bargaining, and the resulting uncertainty may produce resistance and, occasionally, out-and-out animosity.

Neighborhood interests: A neighborhood fully consolidated behind a desegregation action is rare, with primary resistance focusing on transporting some students away from their "walk areas."

Board constituencies: Sometimes board members favor particular neighborhoods or groups of people and actively demonstrate their preferences by the manner in which they espouse policies affecting desegregation.

Apathy: A report by the U.S. Commission on Civil Rights asserts that "no community can achieve successful desegregation without substantial support and effort from the community's leadership--political,

civic, educational, and religious."[16] Examples of little or no support, and slight--if any--effort, abound in school districts and communities under court orders to desegregate.

Opposition and support for desegregation are not static. Forces for and against desegregation ebb and flow. One of the tasks of the compliance review monitor is to show the apathetic and the opposed that it is politically advantageous for them to do what he wants them to do--which is to support the court order. To do this, he must be attentive to subtleties. To whom do the key players listen? To whom do they look for support? Who does the talking? What do they say? This does not mean that the compliance review monitor should manipulate; it means that he should be aware.

It is axiomatic that if those in power decide to undercut a program, there is very little chance it will succeed. Conversely, if those with program development and implementation responsibility fully support the court order, there is every possibility that its potential will be realized.

The compliance review monitor must recognize that he walks a thin line. He must not only be <u>perceived</u> as an impartial observer, he must be an impartial observer. Suppose that the plaintiff is the local NAACP and the defendant is a local school district. If the monitor is selected from an intermediate administrative unit, such as a county office of education, whose purpose is to serve local school districts, the monitor might be perceived by the plaintiff as being partial toward the school district (the defendant).

Or suppose that the co-defendants are the local school district and the State Department of Education. If the monitor is hired by, or is closely allied to, the State Department of Education, which regulates local districts, the monitor might be perceived by the plaintiff as being partial toward the defendants.

The monitor, in the two above scenarios, has a more difficult job than someone who is completely independent of either plaintiff or defendant.

Getting Ready

Once a compliance review monitor is selected, he must:

1. Become thoroughly familiar with the court order under which he will operate. Some court orders require reviewing and reporting, nothing more. Some require monitoring and recommending. Some require mandating and enforcing. The compliance review monitor must know and accept his role and act within it.

2. Read two or three court orders under which other districts are operating in order to understand the subtle differences.

   Each court order has a slightly different slant, and recognizing these slants will enable the compliance review monitor to understand more completely the nuances of the court order under which he will be operating.

   For example, some court orders require the monitor to recommend to the court changes in the order; others do not have this provision. One court order requires only that the monitor ascertain that court-approved transportation arrangements are in place for the opening of each school year. Another requires the monitor to go two steps further: to evaluate complaints received by schools relating to pupil transportation and to assess the appropriateness of the district's responses.

3. Clearly establish lines of communication.

   To whom does he report? To the superintendent? To the court? To the court <u>through</u> the superintendent? To the plaintiffs? To the plaintiffs <u>through</u> the court? Once these lines of communication are clearly established, the compliance review monitor should take care to act within them.

4. Write down the major points of each paragraph of the court order in simple, non-legal prose, and set objectives for reaching the stated mandate. (See Appendixes B-1 and B-2 for examples.)

5. Investigate the background and history of the district for political forces, union activity, demographics, previous efforts to desegregate, previous lawsuits or court orders, population patterns and trends (numbers and ethnicity).

   This background information can be found in district public relations materials, such as newsletters and brochures; in long-range or strategic plans developed by the district; from the district planning or integration office; and simply by talking with people who have been in and around the district for a long time.

6. Develop forms or checklists to guide the review process.

   (See Appendix A for sample checklists and guides that may be adopted or adapted.)

7. Review program plans developed by the schools to be visited.

   These plans will have been developed to support district goals and objectives (and possibly to support court mandates), and will alert the monitor to activities that should be taking place in the schools, and resources that should be in use. For example, if a school plan shows the use of a resource person for the science program (in response to a court mandate to improve science education), determine whether or not this person is being used as specified in the school plan.

8. Schedule appointments to visit schools.

   Upon arriving, talk to the principal to begin establishing a professional relationship. The tasks of the compliance review monitor will get easier as these relationships are established. Determine the principal's view of how the school is progressing in meeting the mandates of the court order. Ask permission to visit classrooms.

   The compliance review monitor should keep in mind that he is not a judge, jury, and executioner. Although it is his responsibility to report areas that are out of compliance with the court

order, following the established lines of communication, sometimes it may be possible to discuss non-compliance issues with the site administrator informally, pointing out areas that need improvement. In this way, an effective compliance review monitor may be able to improve the school's performance without going so far as to report non-compliance to the superintendent or the board--and ultimately, the court. This approach is based on the philosophy that the site administrator is entitled to fair warning to remedy minor infractions.

9. Develop reports that accurately reflect the degree of compliance.

   (See Appendix C for sample formats and language of informal reports, and Appendix D for an example of a formal report.)

Selecting Compliance Review Team Members

If the district is large, it is likely that the compliance review monitor will need to develop a team to help him visit schools. The ideal compliance review team will consist of persons who (1) are neutral/unbiased, able to express themselves unemotionally and factually, verbally and in writing; (2) have had enough experience in the classroom to know how to behave as a classroom observer--with quiet concern for the lessons taking place; (3) have a solid understanding of education; and (4) can separate the important from the unimportant.

Training Compliance Review Team Members

Team members must be trained by the compliance review monitor (referred to below as the supervisor), to whom the following is addressed.

1. Establish procedural rules.

   For example, where and how often will you meet? What day(s) of the week? What time of day? How and where can team members be reached if there is a problem? How and where can team members reach you? What is the procedure for cancelling or rescheduling a meeting? When and how often are monitors

to be paid? Must they submit invoices? Are monitors to attend meetings between the plaintiffs and defendants? Are they to attend meetings between you and the court?

Since several days or a week can go by without a formal meeting, it is important to establish procedures that would not be necessary in a more normal office environment, where employees are in constant contact.

2. Clarify the roles of the team members, just as you clarified your role, with respect to lines of communication.

   How much autonomy do you want to give your team members? To whom do they report? To whom are they responsible? Who evaluates their work?

3. Have team members familiarize themselves with the same literature and district background information as you did (see #1, #2 and #5 in the above section, "Getting Ready").

4. Review the specific objectives you set out for each mandate (see #4 in the above section, "Getting Ready") to ensure that each team member understands each objective.

   The role of the compliance review team members can be difficult, especially if the court does not spell out in detail what it is that reviewers must do. Specificity of instructions to the review team by the court is every bit as important as specificity of the order to the district. If this specificity is lacking in the court order, it is the responsibility of the compliance review supervisor to develop guidelines and objectives for his review team members.

5. Show your team members informal reports prepared in the past as background for the more formal reports that go to the court. (See Appendix C for examples.)

   Share your thoughts about report writing. Most supervisors believe that the best time for writing up findings is immediately after the site visit, while images are still vivid. Most meet with

team members at regular intervals to compare and discuss these images.

6. Show your team members the formal reports prepared for the court. (See Appendix D for examples.)

   Team members should read past reports, to understand preferred language and format, if you plan to have them write these reports in the future. Most supervisors prepare the final report to the court, compiled from individual reports on individual schools. If your style is different and you want your team members to prepare sections of the final report, be sure to make it clear what is expected of them.

7. Discuss with team members the types of things you have been observing in the schools.

   For example, which schools seems to be making good progress toward fulfilling court-ordered mandates? Which schools have asked for assistance? Which schools are in danger of being found in non-compliance?

8. Share your views on confidentiality.

   At times it might become apparent that words and deeds do not match. For example, if a site administrator talks about his belief in racial desegregation, but his staff is composed of all one racial or ethnic group, and students on the playground congregate into small clusters by racial or ethnic group, the compliance review team member should make note of this, because apparently a verbal statement of philosophy is not translating into reality.

   Conversely, some site managers may be so eager to comply with desegregation orders that they worry over insignificant or unavoidable problems, such as the use of substitute teachers that upsets the racial balance of the teaching staff.

   Most compliance review supervisors believe these observations should be shared verbally, but not in writing.

9. Decide on which data collection instruments to use. (See Appendix A for samples.)

   Show team members how they have been used and filled out in the past, during or after school reviews.

10. Review interviewing techniques with team members.

    (See Appendix F on how to ask open questions and engage in "active" listening.)

11. Review matters of conduct with team members.

    REMEMBER:

    - You are an outsider; don't disrupt classrooms or office routine.
    - Report to the office upon arriving at a school.
    - Introduce yourself to the teacher whose classroom you are visiting.
    - Make sure your manner is non-threatening, or you will find people hiding information.
    - Ask the principal or site administrator for needed information, rather than asking a school secretary, because it is the principal who has the responsibility of providing and interpreting school data.
    - Don't ask for special favors, such as using the phone, the photocopier, or a typewriter.

12. Begin to visit schools with team members. This should be done in three phases:

    (1) The supervisor should visit a school with one or more team members, introducing them to the site administrator and visiting a classroom or two. After the visit, the supervisor should relate what he has seen and fill out a site visit report. (See Appendix C for sample site visit reports.) Since this is a training

session, the supervisor should not ask for the views of the trainee(s).

(2) Visit a second school. This time the trainee should observe and report, and discuss his findings with the supervisor.

(3) Visit a third school. This time both trainee and supervisor should observe and report, after which they should discuss the consistency of their findings.

13. Modify the data collection forms and checklists, if necessary.

Congratulations. You now have a select group of individuals technically equipped to undertake the task of monitoring compliance with a court order, "a complex combination of educational carrots and the threat of the judicial stick to produce new educational opportunities in a framework of desegregation."[17]

The only two tasks left are to:

1. Assign schools to team members.

   Some supervisors find it most efficient to send all their team members to the same school, where they visit different classrooms. Some devise a method of visitation that will ensure equal coverage of all schools, such as assigning visitation dates to specific schools, or simply providing a list of schools that must be visited by a specific date, and letting team members pick their assignments. (See Appendix E for a sample schedule.)

2. Have team members write up their findings.

   If the monitor's report to the court is the result of adequate planning and leadership, it can be a force contributing to substantial improvement in the quality of education and the opening of opportunities for children to know and understand persons of differing backgrounds. Could anything be more rewarding?

OVERVIEW OF APPENDIX A

If a judge orders desegregation, monitoring compliance is relatively simple: count the racial/ethnic mix of students in each school and classroom. If a judge orders integration and the improvement of educational quality, monitoring compliance is more difficult.

Appendix A contains checklists to aid the compliance review monitor in determining desegregation, integration, and educational quality in schools and classrooms. These checklists incorporate the concepts derived from research on successful desegregation, integration, educational quality, and school effectiveness.

Appendix A-1 is an all-inclusive checklist that could be carried on a clipboard, for determining school compliance with desegregation, integration, and educational quality. Although it is not geared specifically to monitoring compliance with court orders, it is a general checklist that encompasses the goals of desegregation, integration, educational quality, and school effectiveness. It is included as an example only; the racial/ethnic categories would have to be revised to reflect specific court orders, and other revisions may be needed to reflect local concerns.

Appendix A-2 is an all-inclusive checklist that could be carried on a clipboard, for determining classroom compliance with desegregation orders. As with Appendix A-1, it is included as an example only.

Appendix A-3 is a two-page classroom observation guide with room for comments, designed to guide a review of classroom activities and environment. It is not specifically geared to monitoring compliance with a court order, but is a general observation tool for determining the quality of instruction taking place in a classroom.

All checklists and guides are meant as examples only. The reader is invited to photocopy them or adapt and revise them to suit local needs.

APPENDIX A-1

DESEGREGATION, INTEGRATION, EDUCATIONAL QUALITY

CHECKLIST (School)

NAME OF SCHOOL: _____

NAME OF MONITOR: _____ DATE OF VISIT: _____

I. RACIAL/ETHNIC STABILITY

A. What is the racial composition of the classroom?*
__% White __% Spanish Speaking __% Other White __ % Black
__% Chinese __% Filipino __% _____ __ % _____

B. What is the racial balance of staff?
__% White __% Spanish Speaking __% Other White __ % Black
__% Chinese __% Filipino __% _____ __ % _____

C. How stable is the student body?
____ Transfers into the school since beginning of school year?
% of Total Student Body ____
____ Transfers out of the school since beginning of school year?
% of Total Student Body ____

II. SCHOOL LEADERSHIP

___ A. Does the school office have friendly and helpful personnel?

___ B. Does the school have a clear, well-written, concise statement of specific instructional goals?

___ C. Is the principal decisive and firm?

___ D. Does the principal seek ideas and suggestions from the rest of the staff?

___ E. Does the principal fairly enforce rules and decisions for everyone?

___ F. Does the principal hold high expectations for academic achievement for the staff and students?

*These are the categories used by the San Francisco (CA) Unified School District. They obviously must be revised to suit local needs. See "OVERVIEW OF APPENDIX A" for a further explanation of this checklist.

___ G. Is the principal well grounded in the basic academic subjects?

___ H. Are student grouping practices flexible, and designed to avoid the problems of rigid tracking or ability grouping?

___ I. Does the school encourage substantial interaction among racial/ethnic groups in extracurricular activities?

___ J. Does the principal have an open door policy?

III. STUDENT ACADEMIC ACHIEVEMENT

___ A. Are multiethnic curriculum and materials available and in use?

___ B. Does the curriculum include requirements in all the basic subjects?

___ C. Are academic problems diagnosed early and dealt with promptly?

___ D. Are there checks for student mastery of basic skills and knowledge?

___ E. Is promotion based on scholastic achievement rather than on time spent at one grade level?

___ F. Are there programs for more able and less able students?

___ G. Does the staff coordinate instruction grade-to-grade and plan the curriculum sequentially?

___ H. Does inservice training improve the academic background of teachers, as well as their knowledge of teaching methods?

___ I. Do inservice programs emphasize problems relating to successful integration?

IV. STUDENT ASSESSMENT

___ A. Is there a coherent plan for regular assessment of students?

___ B. Are the purposes of testing clearly understood?

___ C. Do test results pinpoint student academic strengths and weaknesses?

___ D. Are students tested only on what is actually taught?

___ E. Are several criteria, such as standardized test results, informal teacher observation, and formal teach evaluation, used in making important decisions (e.g., promotion, remediation, graduation)?

___ F. Does the school seek useful academic comparisons with other schools?

V. TEACHER VALUES AND EXPECTATIONS

___ A. Do teachers agree with curriculum policies and priorities?

___ B. Are most teachers enthusiastic about teaching?

___ C. Are teachers good models of conduct and academic commitment?

___ D. Do teachers appear to be unprejudiced, supportive, and insistent on high performace and racial equality?

VI. CLIMATE/ORDERLINESS

___ A. Is the campus clean and free of debris and graffiti?

___ B. Are the hallways orderly?

___ C. Has the school published statements of expectations and norms for staff and student conduct?

___ D. Are such statements widely understood and accepted?

___ E. Does the school visibly cooperate with parents and civic agencies?

___ F. Do students and staff have numerous opportunities to work jointly on school projects, thus encourageing non-academic, non-classroom interaction?

___ G. Does the school keep useful records for delinquency, truancy, and other kinds of anti-social behavior?

___ H. Does the school have an effective home/school communication program?

___ I. Does the school have a parent orientation program?

___ J. Does the school provide a student handbook?

APPENDIX A-2

DESEGREGATION, INTEGRATION, EDUCATIONAL QUALITY

CHECKLIST (Classroom)

NAME OF SCHOOL: _____

NAME OF MONITOR: _____ DATE OF VISIT: _____

I. RACIAL/ETHNIC STABILITY

A. What is the racial composition of the classroom?*

__% White __% Spanish Speaking __% Other White __ % Black

__% Chinese __% Filipino __% _____ __ % _____

II. CLASSROOM STRUCTURE/MANAGEMENT

___ A. What percentage of students perform at or above grade level?

___ B. Are student grouping practices flexible, and designed to avoid the problems of rigid tracking or ability groupings within the classroom?

___ C. Is there interaction among racial/ethnic groups?

III. CLASSROOM CLIMATE

___ A. Does the teacher establish written norms for conduct of students?

___ B. Are such norms widely understood and accepted?

___ C. Is the teacher decisive and firm?

___ D. Is the classroom generally orderly?

___ E. Is the classroom clean and attractive?

___ F. Is student work displayed?

___ G. Do students and teachers show respect for each other?

*These are the categories used by the San Francisco (CA) Unified School District. They obviously must be revised to suit local needs. See "OVERVIEW OF APPENDIX A" for a further explanation of this checklist.

___ H. Does the teacher cooperate with parents?

___ I. Are parents involved at the classroom level in actual instructional or learning activities?

___ J. Are students praised for good performance?

___ K. Do students seem to sense that the teacher genuinely cares about their well-being?

___ L. Does the teacher spot disorders early and respond quickly and firmly?

___ M. Is there frequent personal interaction between the teacher and individual students?

IV. STUDENT ACADEMIC ACHIEVEMENT

___ A. Does the curriculum include requirements in all the basic subjects?

___ B. Is homework regularly assigned?

___ C. Is assigned homework regularly checked?

___ D. Does the teacher diagnose academic problems early and deal with them promptly?

___ E. Does the teacher check for student mastery of basic skills and knowledge?

___ F. Does the teacher have a coherent plan for regular assessment of students, individually and collectively, especially in the basic subjects?

___ G. Are students tested only on what is actually taught?

___ H. Are several criteria, such as standardized test results, informal teacher observation, and formal teacher evaluation, used in making important decisions (e.g., for promotion, remediation, graduation)?

V. TEACHER VALUES AND EXPECTATIONS

___ A. Does the teacher hold high expectations for academic achievement?

___ B. Does the teacher demonstrate that s/he values students by celebrating major events in their lives?

___ C. Is home/school communication a top priority?

___ D. Is the teacher enthusiastic about teaching?

___ E. Is the teacher available to students for special help on academic or personal problems?

___ F. Is the teacher well prepared for class?

___ G. Does s/he start and end class promptly?

___ H. Does the teacher write well?

___ I. Does the teacher agree with curriculum policies and priorities?

APPENDIX A-3*

OBSERVATIONS

KEY: Y=YES; N=NO; NE=NOT EVIDENT

	Circle		
DOES THE TEACHER:			
1. Teach to objectives?	Y	N	NE
2. Relate teaching activities to stated objectives?	Y	N	NE
3. Observe accepted teaching-learning principles?	Y	N	NE
4. Show evidence of good subject-matter background?	Y	N	NE
5. Monitor extent to which students understand the lesson?	Y	N	NE
6. Relate today's lesson to previous ones?	Y	N	NE
7. Handle opening-of-class routines expeditiously?	Y	N	NE
8. Have materials, supplies, and equipment ready for use?	Y	N	NE
9. Use textbooks and related materials effectively?	Y	N	NE
10. Make subject matter interesting and meaningful?	Y	N	NE
11. Recognize all students when they wish to recite?	Y	N	NE
12. Adapt instruction to the learning level of students?	Y	N	NE
13. Use teaching techniques which facilitate learning?	Y	N	NE
14. Show consideration of pupils' feelings?	Y	N	NE
15. Respect opinions and suggestions of students?	Y	N	NE
16. Manage the class efficiently?	Y	N	NE
17. Handle behavior problems effectively?	Y	N	NE
18. Show evidence of being able to cope with unforeseen problems?	Y	N	NE
19. Show good taste in dress and manner?	Y	N	NE
20. Make understandable assignments?	Y	N	NE
DO THE STUDENTS:			
1. Show interest in the class?	Y	N	NE
2. Appear to understand what is being taught?	Y	N	NE
3. Show a cooperative attitude?	Y	N	NE
4. Demonstrate positive behavior?	Y	N	NE
5. Ask thoughtful questions?	Y	N	NE
ARE THE PHYSICAL FACILITIES:			
1. Conducive to learning?	Y	N	NE
2. Attractively arranged?	Y	N	NE
3. Well maintained?	Y	N	NE
4. Maintained so as to protect the health and safety of pupils?	Y	N	NE
5. Adequate to the needs of teachers and pupils?	Y	N	NE

Teacher: _____ Class: _____

Date/Observation: _____ Length/Observation: _____

Observer: _____ Position: _____

*See "OVERVIEW OF APPENDIX A" for a further explanation of this checklist.

OBSERVATION REPORT

DIRECTIONS: In the right column are some items to check (if you observe them). In the left column, write comments, impressions, and recommendations (related to the items in the right column).

I. Instruction	I. Instruction ___ Evidence of in-depth knowledge of subject ___ Teaching to objectives ___ Relating activities to objectives ___ Observance of individual differences of students ___ Keeping students at work ___ Evidence that students understand what is being taught ___ Asking provocative questions ___ Other (specific)
II. Environment	II. Environment ___ Appearance of room ___ Physical arrangements ___ Climate for learning ___ Organization of class period
III. Management/Logistics	III. Management/Logistics ___ Class management ___ Handling behavior problems ___ Rapport with students ___ Coping with unforeseen events ___ Opening of lesson ___ Closing lesson ___ Making assignment ___ Other (specify)

Comments:

Teacher: _____ Class: _____

Date/Observation: _____ Length/Observation: _____

Observer: _____ Position: _____

OVERVIEW OF APPENDIX B

Appendix B contains examples of taking a court order (or consent decree) and translating the mandates into non-legal prose, objectives, and activities for review team members. It also contains examples of a process for collecting data, examples of questions to be asked, and other data collection tools.

Appendix B-1 is an example of how to simplify a court order by translating paragraphs into non-legal prose. Note that there may be several paragraphs dealing with the same topic scattered throughout the court order. Group the mandates of similar paragraphs.

Appendix B-2 contains excerpts from a translation of a court order into non-legal prose, and lists objectives for reaching compliance with the court mandates.

Appendix B-3 shows processes for gathering data to reach objectives.

Appendix B-4 lists sample questions to be asked to help in ascertaining compliance, or the movement toward compliance.

Appendix B-5 is an example of a completed one-page Compliance Activities Schedule, containing the section of the court order under review, the data to be collected, the person responsible for collecting the data, and the date by which it is to be collected.

Appendix B-6 is a blank one-page Compliance Activities Schedule.

All guides are meant as examples only. The reader is invited to photocopy them or adapt and revise them to suit local needs.

APPENDIX B-1

TRANSLATING A COURT ORDER INTO NON-LEGAL PROSE

EXAMPLE #1

COURT ORDER

The parties agree that it is important to ensure that extracurricular activities of the XXX District are available to all students on a basis which is consistent with the obligation to avoid segregation and provide equal educational opportunity. Accordingly, the XXX District, after consultation with the State Defendants, shall submit to the parties and the Court by (Date), a program for monitoring extracurricular activities to find out the extent to which students from the various groups do or do not participate in various activities and to develop methods for informing them fully about opportunities to participate.

MANDATE (Non-legal Translation): Ensure that all extracurricular activities offered by the XXX District are known and available to all students on a consistent basis and that every effort is made to assure full student participation.

EXAMPLE #2

COURT ORDER

Paragraph __: The XXX School District is authorized by this court order to select personnel, whether from among existing certificated staff or from new hiring of certified and non-certified staff. This flexibility in staffing is essential to successful desegregation of these schools, in light of their substantial reorganization and difficult new missions. Paragraph __: The XXX School District shall continue to implement a staffing policy, the goal of which is to achieve a staff at each school site and District location that will reflect the student population of the district. Paragraph __: The XXX District shall assure that faculty and other staff will be equitably assigned throughout the District, within the meaning of applicable legal standards.

MANDATE (Non-legal Translation): Integrate faculty and administrative staff.

APPENDIX B-2

DEVELOPING OBJECTIVES FOR REACHING COMPLIANCE

EXAMPLE #1

MANDATE (Non-legal Translation): Ensure that all extracurricular activities offered by the XXX District are known and available to all students on a consistent basis and that every effort is made to assure full student participation.

OBJECTIVES:

1. To ascertain that all extracurricular activities offered by the District are known and available to all students.
2. To review efforts made to ensure full student participation in extracurricular activities.
3. To review the racial/ethnic composition of participants in extracurricular activities as well as the racial/ethnic composition of extracurricular activities coordinators.

EXAMPLE #2

MANDATE (Non-legal Translation): Integrate faculty and administrative staff.

OBJECTIVES:

1. To ascertain that an achievable timetable has been established to accomplish the integration of faculty and administrative staff.
2. To determine if District procedures for administrative ratings are being followed in instances where hiring or transfers are required.
3. To evaluate the efforts of the Personnel Office to reach the employment goals that are reflective of the student population.
4. To assess the "best efforts" of the District to increase the percentages of minority teachers and administrators system-wide.

APPENDIX B-3

DEVELOPING A PROCESS FOR MEETING OBJECTIVES

MANDATE (Non-legal Translation): Ensure that all extracurricular activities offered by the XXX District are known and available to all students on a consistent basis and that every effort is made to assure full student participation.

OBJECTIVE #1: To ascertain that all extracurricular activities offered by the district are known and available to all students.

PROCESS FOR MEETING OBJECTIVE:

1. Collect from each school in the District all literature that promotes and explains the extracurricular activities taking place within the school.

2. Determine that the promotional literature does not implicitly or explicitly exclude any group or groups of students.

OBJECTIVE #2: To review efforts made to ensure full student participation in extracurricular activities.

PROCESS FOR MEETING OBJECTIVE:

1. Interview selected site administrators, selected parent groups, and student representatives to evaluate efforts made to encourage full student participation in extracurricular activities.

OBJECTIVE #3: To review the racial/ethnic composition of participants in extracurricular activities, as well as the racial/ethnic composition of extracurricular activities coordinators.

PROCESS FOR MEETING OBJECTIVE:

1. Review the database developed by the District which is to be provided to high school principals, plaintiffs, defendants, the court, and compliance monitors, containing information about the status of racial/ethnic participation in extracurricular activities.

APPENDIX B-4

DEVELOPING QUESTIONS TO BE ASKED

Paragraph #: ____ Topic: Staffing

Questions: (examples)

1. Do teaching and administrative positions adequately reflect the racial/ethnic composition of student bodies? (a) District-wide? (b) School level--elementary, middle, high? (c) Classroom level?
2. Are long-term substitute teaching assignments being used to circumvent the requirement of a "balanced faculty"?
3. How full and effective has parent participation in the faculty selection process been?
4. What affirmative action and recruitment activities have taken place this year?

Paragraph #: ____ Topic: Bilingual & Special Education

Questions: (examples)

1. Does every school have a resource room?
2. Have the problems of assigning qualified staff, especially bilingual, been resolved?
3. Is the pool of substitute teachers adequately trained and credentialed to meet resource teacher requirements?
4. What is being done to address the over-representation of Black students in special education classes?
5. Are curricular materials available in the selected languages for bilingual programs?
6. What opportunities exist for bilingual parents to participate in the educational programs for their children?

Paragraph #: ____ Topic: Transportation

Questions: (examples)

1. Have adequate transportation arrangements been provided to serve sending and receiving schools?

2. What kinds of transportation complaints are being reported? How are they being resolved?

Paragraph #: ____ Topic: Student Discipline

Questions: (examples)

1. Which schools have significantly disproportionate suspensions by race?

2. What school factors appear to contribute to high rates of suspension?

3. Is the Code of Discipline consistently enforced throughout the District?

4. In those schools identified as having either high or significantly disproportionate suspensions by racial/ethnic background, what steps are being taken to identify causes of the problems and to propose possible solutions?

Paragraph #: ____ Topic: Safety and Security

Questions: (examples)

1. What steps are being taken to identify causes of violence in schools? What solutions are being provided?

2. What steps are being taken to develop effective alternative programs for disruptive students not benefiting from the regular school program?

3. Are disciplinary issues handled in a consistent manner among all schools? Elementary? Middle? High?

APPENDIX B-5

COMPLIANCE ACTIVITIES SCHEDULE

Sect.	Order	Data	Who	Date
	Notice to parents of transfer rights	Copies of written notices - instructions	Districts	1-May-88
		Copies of description of available programs	Districts	1-May-88
	Application Process	Copies of application forms	Co. Office	1-May-88
		Copies of letters of acceptance/refusal	Co. Office	1-May-88
		List of applicants and district assignments	Co. Office	1-May-88
		List of applicants and school assignments	Districts	1-May-88
	Procedures for assignment to district	Copies of guidelines, computer sorting	Co. Office	1-May-88
		Ethnic, attendance area, achievement and grade	Co. Office	1-May-88
		of applicants	Co. Office	1-May-88
	Cooperation with COE need for info.	Minutes of Supt's Advisory Committee	Co. Office	1-Jun-88
	COE discretionary powers to transfer	Listing of students screened - outcomes	Co. Office	1-May-88
	COE discretionary powers to transfer	Listing of students screened - outcomes	Co. Office	1-May-88
	Coercion used to discourage transfer	Report from County Offices	Co. Office	1-Jun-88
	Rights and privileges of transfer	Report of problem areas, if any. How handled	Districts	1-Jun-88
	Rights of transferee returning to home dist.	List of students who withdraw, reasons if known	Districts	1-Jun-88
		List of no-shows	Districts	1-Oct-87
	Student transfers commence Sept. 1987	Report of receiving districts	Districts	1-Oct-87
	Total number of p.s. transfers allowed	10/86 enrollment, number of applicants and number	Co. Office	1-May-88
	Total number of p.s. transfers allowed	accepted by grade level	Co. Office	1-May-88
	Total non-public school transfers	Number of applicants accepted, by grade	Co. Office	1-May-88
	Receiving school district quotas/placements	Records of Co. Office	Co. Office	1-May-88
	Transportation of transfer students	Description of plans for transportation, costs	Co. Office	1-Jun-88
		Description of plans for transportation, costs	Co. Office	1-Jun-88
	Multicultural Education	Attendance at events - intra/interdist.	Interaction	1-Jun-88
	Staff development	List of inservice programs	Districts	1-Jun-88
		Record of joint planning efforts	Co. Office	1-Jun-88
	Non-discrimination hiring clause	Copy of policy	Districts	1-May-88
	Multicultural Education	Copy of policy	Districts	1-May-88
	Student interaction efforts	Copy of policy	Districts	1-May-88
	Annual Compliance Report	Report of compliance monitoring activities	Co. Office	31-Jul-88
	Mandated Costs	Amount of cost, status of claims	Districts	1-May-88

APPENDIX B-6

COMPLIANCE ACTIVITIES SCHEDULE

Sect.	Order	Data	Who	Date

OVERVIEW OF APPENDIX C

Appendix C contains examples of various reporting instruments.

Appendix C-1 is an example of an informal report of a school site visit. Since it includes the date, hours, and miles travelled, it also can be used as a recordkeeping instrument for pay records and reimbursement.

Appendix C-2 is a blank copy of C-1.

Appendix C-3 is an example of a completed one-page checklist, called Benchmarks, that could be carried unobtrusively in a pocket. It is keyed to specific paragraphs of a court order. It is an example only; to be useful to a specific district, it would have to be keyed to the individual court order under which that district is operating.

Appendix C-4 is a blank Benchmarks checklist.

Appendix C-5, the same basic format as C-1 and C-2, is a completed record of an informal report of a compliance review team meeting. As with C-1, it also can be used as a recordkeeping instrument for pay records and reimbursement.

APPENDIX C-1

INFORMAL REPORT OF SCHOOL VISIT
Example

Name Sally Smith Date of Activity 4/14/89

School(s) visited Sunshine Elementary
(or)
Other Court Order Activity _____

Travel Began 4/14/89 (Date) 8:45 a.m. (Time) Travel ended 4/14/89 (Date) 3:45 p.m. (Time)

Mileage 32 Bridge Tolls None

Identify significant observations. Identify important decisions and/or requests. What, if any, service did you provide? What followup activity is required, recommended, or requested?

The Court Order calls for all students to become proficient in the use of the computer as a learning tool in all subject matter areas. Observations indicate this objective is being met. Delays by the district in repairing a computer printer are detrimental to the program.

The Court Order calls for a joint plan between the junior high school and Sunshine Elementary to implement a cross-age teaching program. No such planning has taken place.

I reviewed the elementary and middle school advisory program. The planning with staff to develop goals and objectives and guidelines is under way, but it is two years behind schedule.

_____
Signature

APPENDIX C-2

INFORMAL REPORT OF SCHOOL VISIT
Example

Name _____ Date of Activity _____

School(s) visited _____
(or)
Other Court Order Activity _____

Travel Began _____ _____ Travel ended _____ _____
Date Time Date Time

Mileage _____ Bridge Tolls _____

Identify significant observations. Identify important decisions and/or requests. What, if any, service did you provide? What followup activity is required, recommended, or requested?

_____

_____

_____

_____

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_____

_____

_____

Signature

APPENDIX C-3

BENCHMARKS

	Paragraph #	Focus of Paragraph*	Observations/Records Indicate: Yes	No	N/A
1.	4	There is a clearly articulated, written, and up-to-date mission of the school available.			
2.	5	Parents and community understand and support the mission of the school (minutes of meetings available).			
3.	6	The principal is a strong instructional leader.			
4.	6	Shared decision-making is practiced and valued in the school.			
5.	6	There is a positive, orderly school climate.			
6.	7	Teachers espouse and hold high expectations for students.			
7.	8	Student progress is carefully monitored and used for positive learning activities.			
8.	8	Students work at the appropriate level of difficulty for their individual capabilities.			
9.	9	Students have optimum opportunity to learn expected content.			
10.	10	Good planning and classroom management are evident with adequate time-on-task.			
11.	10	Evidence of homework assignments.			

School _____ Date _____ Monitor _____

Comments: While the school has continued to work at improving its educational product, the principal reports that no action has yet been taken on her request to relocate teachers on her staff due to their non-commitment to the Court Order.

*These paragraph numbers and "focus of paragraph" statements obviously must be revised to reflect local court orders or consent decrees. See "OVERVIEW OF APPENDIX C" for a further explanation of this checklist.

Paragraph #

APPENDIX C-4

BENCHMARKS

Focus of Paragraph	Observations/Records Indicate: Yes	No	N/A
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			

School _____ Date _____ Monitor _____

Comments: _____

APPENDIX C-5

INFORMAL REPORT OF COMPLIANCE REVIEW TEAM MEETING
(Example)

Name Michael Jacobs Date of Activity 4/14/89

School(s) visited _____
(or)
Other Court Order Activity Meeting with Compliance Review Team

Travel Began 4/14/89 (Date) 8:00 a.m. (Time) Travel ended 4/14/89 (Date) 6:45 p.m. (Time)

Mileage 55 Bridge Tolls None

Identify significant observations. Identify important decisions and/or requests. What, if any, service did you provide? What followup activity is required, recommended, or requested?

Meeting was held with compliance review team members to clarify roles and responsibilities, and to set up general guidelines for meeting, reporting, etc. Review team members are to submit monthly invoices to project manager, accompanied by an "activity sheet." Further discussion by the team and the project manager resulted in the following agreements:
(1) Team members will meet with the project manager on 5/10/89 to develop the parameters of monitoring processes and duties. The specifics of these parameters will be developed jointly by team members.
(2) A monthly meeting of team members and supervisor will be held on the first Tuesday of each month.
(3) Meetings with plaintiffs and defendants are to be attended by two team members.
(4) Monitors are to be especially careful of staying within the boundaries of the Court Order.
(5) Additional operational procedures will be developed at the meeting on 5/10/89.

_____
Signature

OVERVIEW OF APPENDIX D

Appendix D contains excerpts from different types of reports to the court.

Appendix D-1 is a continuation of Appendix B-2 and B-3, adding the findings from the review of extracurricular activities, and recommendations from the compliance monitor (or his review team members). If the court order allows for recommendations, this type of report could become a part of the formal report to the court.

Appendix D-2 is an excerpt from a formal report from a review team member to his supervisor. It lists the paragraph number of the court order, briefly summarizes the content of the paragraph (for easy reference), and comments on the progress of the District.

Appendix D-3 is an excerpt from a formal report to the court from the compliance review supervisor. An introduction to Appendix D-3 explains briefly what an entire formal report might look like.

APPENDIX D-1

OBJECTIVES/FINDINGS/RECOMMENDATIONS

MANDATE (Non-legal Translation): Ensure that all extracurricular activities offered by the XXX District are known and available to all students on a consistent basis and that every effort is made to assure full student participation.

OBJECTIVES:

1. To ascertain that all extracurricular activities offered by the district are known and available to all students.
2. To review efforts made to ensure full student participation in extracurricular activities.
3. To review the racial/ethnic composition of participants in extracurricular activities, as well as the racial/ethnic composition of extracurricular activities coordinators.

FINDINGS:

The district failed to submit the database to the court, but this is under discussion. There is little uniformity among schools. Use of the information on racial/ethnic participation varies; some principals have used it so effectively that even with limited resources they are obtaining outstanding results. This information is in jeopardy because of announced District plans to reduce staffing and supplies for extracurricular activities.

RECOMMENDATIONS:

Have a task force develop a method of collecting and storing data that ensures uniformity of information. Establish a process to ensure that the district submits reports on the database to appropriate parties. Maintain funding and staffing of extracurricular activities at the current level.

APPENDIX D-2

FORMAL PROGRESS REPORT TO COMPLIANCE SUPERVISOR

(From Review Team Member - Example)

Court Order Paragraph #	Summary of Court Order	Comments/Progress of District
7	Racial/ethnic segregation or identifiability in any school, program or classroom	Forty-four schools have grades with higher than 45% of one ethnic/racial group in a grade. While many of these grades are carry-overs from last year's school population, a number are new additions to that school's student population, causing the non-compliant status.
11	Personnel assignments	District continues to assign teachers who do not believe in, or perform within, the mandates of the Court Order.
13	Public information and consultation with defendants	The ordered consultation with defendants has not been completed by the district. No comprehensive public information campaign has been developed or implemented.
16	Housing and desegregation	Since the first and only effort made in 1986 by the parties to follow the order contained in this paragraph, there has been no further action to either continue the effort outlined or to have the court modify the order. The parties are in non-compliance.
22	Comprehensive staff development by the close of the school year	The district has fully complied with its responsibilities under this paragraph. Major staff development activities have all been directed toward further strengthening the site trainers' network in each school.
27	Participation of parents, students, staff and community in implementation of desegregation goals of Court Order	Fully in compliance. Activities have focused on training staffs in more than 20 on-site workshops. There have also been activities by Court Order staff to bring the messages of integration and academic excellence to the general community.

APPENDIX D-3

FORMAL REPORT TO THE COURT

INTRODUCTION: The following is a brief excerpt taken from a formal report to a court. The report was prepared by the Compliance Review Supervisor. It was in a binder, arranged by Paragraphs corresponding to the Court Order, with tabs for easy reference. The report detailed the responsibilities and performance of the district. The binder was accompanied by Attachments, which contained backup material.

Example

PARAGRAPH 7. 1987-88 Responsibility: Engage in activities which assure that all discipline is fair and consistent for students from all racial/ethnic groups.

1987-88 Performance: The district has fully met its responsibilities under this paragraph.

Discussion

A district task force has completed a major review of student behavior and discipline policies, resulting in some policy revisions that are slated to take effect in December of 1989. In addition to uniform discipline procedures at school sites, a parent handbook was produced (see Attachment A) designed to communicate the standards for student behavior to the home and to help keep parental expectations supportive of those of the school. A reduction in individual disciplinary incidents is expected as those more uniform rules take effect next year.

The district has, in addition, implemented an elementary student advisor program that has placed 25 counselors in various district schools, with a variety of purposes: to organize tutorials for academic deficiencies, to set up parent conferences, and to humanize and improve the discipline process (see Attachment B).

The district has continued to monitor the actual performance of site administrators regarding disciplinary matters and has expanded its ability to monitor secondary indicators of troubled sites, such as the monthly attendance/cut and dropout reports (see Attachment C) and

the summary report of sites to which students are returned from counseling centers (see Attachment D). Data are regularly collected on suspensions and reported by ethnicity and by site (see Attachment E).

During the entire 1987-88 school year, there were 987 suspensions from high schools (9%) and 1002 suspensions from middle schools (9.8%). See Attachment F for the number and percent of suspension by race/ethnicity.

APPENDIX E

SAMPLE TASK ASSIGNMENT SHEET

Monitor #1 = 1 Monitor #2 = 2 Supervisor = 3 X = Responsibility	Week of: 10/17			10/24			10/31			11/7		
SITES	1	2	3	1	2	3	1	2	3	1	2	3
Alvarado	X									X		
Beechwood	X											
Carver, G.W.									X		X	
Edison	X							X				
Franklin		X	X									
Garden Oaks				X	X							
Heather				X	X							
Horace Mann				X	X							
Hoover, Herbert				X					X			
Jefferson					X	X						
John F. Kennedy		X	X			X						
Madison, James					X	X						
Oak Knoll										X	X	
Revere, Paul	X		X									
Toll, Eleanor J.									X	X		
Winton		X										X

APPENDIX F

TIPS ON INTERVIEWING

When you go out to a school site to gather information, your chief source will be the people there. Good interviewing skills will help you gather the information you need more efficiently and more effectively, and will help you gain the trust and cooperation of the people to whom you talk.

This may be particularly important to you as a compliance review monitor, because in that role you may already have two strikes against you with school site personnel. At least some are likely to mistrust you as (1) an "outsider" and (2) an "authority figure" who has come to check up on them (and probably blame them for something).

Effective interviewing is much like good interpersonal communication. It involves (1) making the other person feel at ease, (2) really listening, and (3) encouraging the other person to talk.

Making the Other Person Feel At Ease

Basic politeness, friendliness, and concern will go a long way toward setting your interviewee at ease. Showing friendliness and genuine interest in the other person is not incompatible with being objective and business-like.

Beyond the basic good manners your mother taught you, there are a few "etiquette" issues specific to the interview situation:

- Tell interviewees how their information will be used, and the level of confidentiality that applies to the interview. Your interviewees have a right to know if they will be quoted directly or granted anonymity, or if they may speak "off the record" on sensitive subjects.
- If you use a tape recorder, ensure that your interviewee is comfortable being taped. Some people aren't. If you do use a tape recorder, make sure it works, so that you don't have to fuss with it during an interview. Install fresh batteries beforehand and change tapes between interviews.

- Don't allow distractions to disrupt the flow of your conversation. For example, try to meet with principals well before the beginning of the school day, or after students have gone home.
- Be sure to keep within any specified time limit, and to thank interviewees for the time they've given you.

Really Listening

Active listening requires close attention. You are not really listening if you are planning what you'll say next, thinking up a counterargument (you shouldn't be arguing anyway; this is an interview), or deciding where to go for dinner.

When you actively listen, you absorb the other person's words and translate them into your own words, which you can then "paraphrase" back. When you paraphrase periodically throughout an interview, you show your interviewee that you are listening and understanding.

Paraphrasing simply involves a statement like, "So, as I understand it, you feel that the situation is . . ." or "I'm hearing you say that . . ." Don't repeat the speaker's original words; summarize in your own words. Give the speaker time to react to your paraphrase, to nod in agreement or to say, "No, what I meant was . . ." When a correction is made, paraphrase it, so you are both sure that the correct message got through.

Active listening involves more than your ears, brain, and voice. We all know that movement, expression, and gesture are important parts of human communication, but we tend to see this from the speaker's point of view. It is easy to forget that the listener's body language is also important.

Body language is culturally sensitive and you may need to make some adjustments, but in Western society, some general guides of "listening" body language are:

- Maintain eye contact, but don't stare the person down.
- Be physically open, to show that you are emotionally open. Avoid crossing your arms or placing barricades of books, papers, or furniture between yourself and the speaker.
- Be relaxed and friendly in a business-like way. Don't fidget or fuss with papers or equipment.

- Don't make the interviewee feel intimidated or subservient. Don't take a superior tone. Don't have the person stand while you sit and don't make him wait while you do something else.
- Be yourself. Most people can sense an "act."

Encouraging the Other Person to Talk

If you want your interviewee to really talk to you, use a lot of "open" questions. An "open" question requires an extended, personal response, unlike a "closed" question, which calls only for a fact or a simple "yes" or "no" answer.

Closed questions can actually discourage people from expressing themselves, because they imply that you want only limited, factual information. Of course, you'll probably ask some closed questions, like "How many children are in your class?" But if you ask only closed, factual questions, don't bother with an interview. Write a questionnaire for people to fill out in private. It will save a lot of time.

Open questions allow you to get at people's feelings and thoughts. They are easy to formulate. Here are some examples:

CLOSED QUESTION: Do you like the current reading series? (This can be answered curtly with "yes" or "no.")

OPEN QUESTION: What is your opinion of the current reading series? (This cannot be answered with "yes" or "no." You may get nothing more than, "I like it," but in that case you can follow up with, "Can you tell me why you like it?")

CLOSED QUESTION: Are parents involved in developing your extracurricular activity program?

OPEN QUESTION: What do you see as the level of parent involvement in the extracurricular program? (Phrases like, "what is your opinion of," "why do you like it," or "what do you see as" tell the interviewee that you value his personal thoughts and opinions.)

Open questions give the interviewee many opportunities to direct the conversation, steering it to points he considers important, instead of always following your lead. To use open questions, you must be willing to share control of the conversation with your interviewee. And because you won't always be able to predict where the conversation is

heading, you will have to listen very carefully. But you'll be more likely to get information worth listening to when you use open questions and practice good interviewing skills.

FOOTNOTES

[1] Reuben A. Burton, Essential Elements of a Desegregation Plan: A Guide for School Districts (Sacramento, CA: California State Department of Education, Intergroup Relations Office, 1988), p. 1.

[2] Ibid., p. 3.

[3] "Oldest Lawsuit Settled for School Desegregation," San Francisco Chronicle, January 8, 1989, p. A-5, col. 5.

[4] Charles Vert Willie, "Do Mandatory School Desegregation Plans Foster White Flight?" School Desegregation Plans That Work. (Westport, CT: Greenwood Press, 1984), pp. 164-165.

[5] Mary Hatwood Futrell, "Real Parental Choice," Education Week, January 18, 1989, p. 25.

[6] James E. Houston, ed., Thesaurus of ERIC Descriptors, 11th ed. (Phoenix, AZ: Oryx Press, 1987), p. 142.

[7] William Snider, "Property-Tax Hike in Kansas City for Desegregation Plan is Upheld," Education Week, September 7, 1988, p. 7.

[8] Futrell, op. cit.

[9] Lisa Jennings, "Study Sets Stage for Debate on New Jersey 'Choice' Bill," Education Week, January 11, 1989, p. 17.

[10] William Snider, "Parley on 'Choice,' Final Budget Mark Transition," Education Week, January 18, 1989, p. 24.

[11] Donald M. Thomas, Your School: How Well Is It Working? (Columbia, MD: National Committee for Citizens in Education, 1982), p. 1.

[12] Houston, op. cit.

[13] Stephen K. Miller, The History of Effective Schools Research: A Critical Overview. (Lansing, MI: Michigan State Department of Education, 1983). ERIC Document ED 231818.

[14] Thomas, op. cit., pp. 1-4.

[15] Willie, op. cit., p. 16.

[16] Desegregating the Boston Public Schools: A Crisis in Civic Responsibility. (Boston, MA: U.S. Commission on Civil Rights, August, 1975), p. 3.

[17] Gary Orfield, "Knowledge, Ideology and School Desegregation: Views Through Different Prisms," Metropolitan Education, Spring, 1986, p. 92.

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ABOUT THE AUTHORS

Collectively, the authors have over seventy years of experience in the field of education. Collectively, they have two decades of involvement in the desegregation and integration of public schools. This book builds on their experience and interest in desegregation and integration issues. It is based on their belief that school districts that choose to work toward their court-ordered mandates not out of a sense of obligation or resignation, but rather from a sense of program renewal and opportunity, may find the process revitalizing.

PAUL F. LAWRENCE

Paul F. Lawrence, currently the Director of Compliance for the 9th District Federal Court in the NAACP v San Francisco Unified School District desegregation case, has served in a variety of educational positions, including classroom teacher, superintendent, college professor, dean; he has been an advisor to state legislatures and governors and Regional Commissioner of Education for the U.S. Office of Education for seven western states and the Pacific basin. He was the expert witness for the plaintiffs in the successful prosecution of the Hockesin, Delaware school discrimination case, which was one of the four cases involved in the 1954 Supreme Court decision outlawing school segregation practices.

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Prior to founding Ventures for Public Awareness, Katherine Clay spent more than 20 years as teacher, administrator, Information Officer for the U.S. Office of Education, and consultant to school districts, primarily in the areas of strategic planning and desegregation/integration efforts. She has published seven books, including How to Build a Strategic Plan: A Step-by-Step Guide for School Managers; The School Administrator's Resource Guide; Microcomputers in Education; and Public School Foundations: Their Organization and Operation, as well as dozens of articles, primarily in the fields of education and information science.